



FINANCIAL ASSISTANCE LETTER

This Financial Assistance Letter is issued under the authority of the Procurement Executives of DOE and NNSA

Subject: Implementation of Fiscal Year (FY) 2002 Legislative Provisions

When is this Financial Assistance Letter (FAL) Effective?

This FAL implements certain provisions contained in the Energy and Water Development Appropriations Act, 2002 (Public Law 107-66), enacted November 12, 2001, the Department of Interior and Related Agencies Appropriations Act, 2002 (Public Law 107-63), enacted November 5, 2001, and the Department of Interior and Related Agencies Appropriations Act, 2000, Public Law 106-113, enacted November 29, 1999, which made permanent certain provisions for fiscal year 2000 and thereafter. The statutory provisions addressed in this FAL are effective on the date of enactment of the Act containing the provision.

When Does this FAL Expire?

This FAL remains in effect until superseded or canceled. This FAL supersedes FAL 2000-02 dated December 15, 2000.

Who is the Point of Contact?

Contact Trudy Wood of the Office of Procurement and Assistance Policy by telephone at (202) 586-5625, or by e-mail at trudy.wood@pr.doe.gov.

Please visit our website at www.pr.doe.gov/fahome.html for information on Financial Assistance Letters and other policy issues.

What is the Purpose of this FAL?

This FAL provides Contracting Officers and grants personnel guidance regarding the implementation of legislative provisions, contained in FY 2000 and 2002 Appropriations bills.

What is the Background?

The guidance provided in this FAL is the same as the guidance provided in FAL 2000-02 and results from the following statutory requirements:

Lobbying Restrictions (Energy and Water Act §501/FY 2002 Interior Act §302)

The Energy and Water Act prohibits the use of funds appropriated, either directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of Title 18, United States Code. The Interior Act prohibits the use of funds appropriated under the Act for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

Purchase of American-Made Equipment and Products--Sense of Congress (Energy and Water Act §502(a) and (b)/FY 2000 Interior Act 307(b) and (d)). This provision was made permanent in the FY 2000 Interior Act.

These provisions provide that it is the sense of Congress that all equipment and products purchased with funds made available from the Energy and Water Act or the Interior Act should be American-made and require the Department to notify awardees of this statement.

Compliance with Buy American Act (FY 2000 Interior Act §307(a) and (d)). This provision was made permanent in the FY 2000 Interior Act.

This provision provides that none of the funds made available under the Interior Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

What is the Guidance Included in the FAL?

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I. Lobbying Restrictions

A. Lobbying Restrictions (Energy and Water Act, 2002)

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under the FY 2002 Energy and Water Act are obligated on the award:

*LOBBYING RESTRICTION (ENERGY AND WATER ACT
2002)*

The awardee agrees that none of the funds obligated on this award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

(End of Clause)

B. Lobbying Restrictions (Interior Act, 2002)

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under the FY 2002 Interior Act are obligated on the award:

LOBBYING RESTRICTION (INTERIOR ACT, 2002)

The awardee agrees that none of the funds obligated on this award shall be made available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete. This restriction is in addition to those prescribed elsewhere in statute and regulation.

(End of Clause)

II. Purchase of American-made Equipment and Products—Sense of Congress

Contracting Officers must incorporate the following notice into existing or new financial assistance awards, when funds made available under the FY 2002 Energy and Water Act or any Interior Act after FY 2000 are obligated on the award:

NOTICE REGARDING THE PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS—SENSE OF CONGRESS

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.

(End of Notice)

III. Compliance with Buy American Act

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under any Interior Act, after fiscal year 2000, are obligated on the award:

COMPLIANCE WITH BUY AMERICAN ACT

In accepting this award, the recipient agrees to comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a - 10c, popularly known as the "Buy American Act"). The recipient should review the provisions of the Act to ensure that expenditures made under this award are in accordance with it.

(End of Clause)